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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,281	07/18/2003	Shoaib Arif	16722	4591

7590 03/08/2005

Leopold Presser, Scully, Scott, Murphy & Presser
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Garden City, NY 11530

EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,281

Applicant(s)

ARIF

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-11, 18 and 24-29 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 19 is/are rejected.
- 7) ☒ Claim(s) 12-17, 20-23 and 30-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/24/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 12-17 and 20-22 are objected to because of the following informalities: In the above claims, "ethoxylate" is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark, US 3,222,213

Clark teaches a rinsing formulation comprising 10% of a mixture of 1-(2-aminoethyl)-2-heptadecenyl-2-imidazoline and 1-(2-aminoethyl)-2-heptadecadienyl-2-imidazoline, 5% ethoxylated (5EO) tallow amine, 6% ethoxylated (7EO) nonylphenol, paraffin oil, and the balance water (col. 2, lines 42-47). With respect to present claim 19, requiring a mixture of primary amine ethoxylates, the examiner notes that tallow is inherently a mixture of alkyl groups, and so this limitation is satisfied. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1, 2, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lohman, US 4,320,013.

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Lohman teaches a fabric conditioner comprising 1% di-(tallowamidoethyl)-methyl (polyethoxy) hydroxyethylammonium methylsulfate and 0.5% ethoxylated (20EO) tallow amine (col. 10, example II). With respect to present claim 19, requiring a mixture of primary amine ethoxylates, the examiner notes that tallow is inherently a mixture of alkyl groups, and so this limitation is satisfied. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Severns et al, US 6,559,117.

Severns et al teach a fabric softener comprising 6.25% di-(2-amidoethyl)-methyl quaternary ammonium methylsulfate and 1% ethoxylated (10EO) tallow alcohol (col. 11, example 2). With respect to present claim 19, requiring a mixture of primary amine ethoxylates, the examiner notes that tallow is inherently a mixture of alkyl groups, and so this limitation is satisfied. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy, US 4,259,217.

Murphy teaches laundry detergents comprising 4.2% methyl tallowalkyl amidoethyl tallowalkyl imidazolinium methyl sulfate and 75% ethoxylated (5EO) lauryl alcohol (col. 33, example IIIE). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kristopeit et al, US 5,205,960.

Kristopeit et al teach a laundry detergent comprising 3% amidoamine quaternary ammonium compound 10% ethoxylated (10EO) nonylphenol, and ethoxylated (8EO) C9-11 alcohol (col. 30, example 41). Suitable ethoxylated alcohols include C12-15 3EO (col. 10, line 10). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Allowable Subject Matter

8. Claims 5-18, and 24-29 are allowed except for the minor informalities.

9. Claims 20-23 and 30-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer
Primary Examiner
Art Unit 1751